

Twenty Questions

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Regulations, best practices, and helpful hints about: **Licensing**

Chapter 1. WAC 388-150-010

Definitions

In this chapter, we give definitions that will help you understand and interpret terms in WAC; or in this guidebook. Please read these definitions carefully before reading other portions of the guidebook.

Center

Throughout this guidebook, “center” is used as a shorter way of saying “child day care center.” Child care is considered center care if:

- (1) It takes place outside the licensee’s home;
- (2) It is regularly scheduled;
- (3) It is for a group of children.

Although the WAC definition of center says a center must offer care for less than 24 hours, this refers to the center’s hours of operation. A child should not be in care for more than 10 hours a day, with some allowance for parent travel time or other reasonable circumstances.

Developmentally Appropriate Practices; Best Practices

The National Association for the Education of Young Children (NAEYC) provides a two-part description of developmentally appropriate practices. Both WAC and the guidebook use this term many times. It means:

Age appropriate. All children grow and change. The ways we interact with children when they are two may not be appropriate when they are four. A working knowledge of child development helps us respond appropriately to children’s needs through their stages of development. We expect different behaviors from a toddler than from a preschooler. Therefore, providers set up toddler rooms and preschool rooms to encourage different kinds of activities.

Individually appropriate. Each child is an individual. Children have varying rates of development and different interests. They come from a variety of family and cultural backgrounds. Therefore, the activities providers prepare for a certain age group must be varied and flexible to allow children challenging and interesting choices.

You plan developmentally appropriate activities for the age range and the interests of the children in the group. You continuously update and refine the plan. You base this on observing the individual needs, interests, and growth patterns of the children in the group.



Sometimes we use the term “best practices” in the guidebook to describe developmentally appropriate practices that are suggestions, not DSHS requirements.

Director; Program Supervisor

These terms refer to responsibilities someone, meeting position qualifications, has as part of their job description (see Chapter 11). Centers may vary in how they fill these supervisory positions.

- A large center may need both a full-time director and a full-time program supervisor, whose primary responsibilities are overseeing a staff of care providers.
- A small center may operate smoothly with a full-time director who also serves as the program supervisor.
- Another center may perform well with a half-time director, an office secretary, and a program supervisor. The program supervisor may act as a lead provider part-time and do staff supervision and curriculum development part-time.
- Another center may have a full-time director. The center may hire lead providers in each room who are qualified program supervisors for their own group of children.

In each of these instances, staff with the required education and experience fill the required roles as part of their job descriptions.

Licensee; Provider; You

WAC usually refers to the licensee. The guidebook more frequently uses the terms “provider” or “you.” Similarly, the guidebook often uses the terms “provider” or “care giver” to refer to the center staff who are actually providing care.

Licensors; DSHS; DCCEL; We

We use these terms interchangeably in the guidebook. They all mean the same thing. They refer to the Washington State Department of Social and Health Services (DSHS) Division of Child Care and Early Learning (DCCEL) and its center licensors.

Sometimes we use the term “persons involved with licensing” to acknowledge the important work of agencies other than DCCEL in the licensing process.

Within the Department of Health, “health surveyors” operate out of the Personal Care Facilities Survey Section. They inspect centers for compliance with health regulations and give advice on health practices.

The Fire Marshal’s Office operates out of the “Fire Protection Services Division” of the Washington State Patrol. “Deputy fire marshals” inspect centers for compliance with fire regulations or authorize local representatives such as your local fire department to do so.

City or county offices oversee building, zoning, planning, and land use regulations. Your licensor can tell you who to contact in your area.

Must vs. Should vs. Might

As we mention in the introduction, the guidebook is interpretive, not regulatory. To avoid confusing the reader as to required versus suggested actions, we tried to choose our words carefully.

Some of the points we make in the guidebook repeat WAC requirements. These items are often accompanied by the words “must,” “have to,” or “are required to.” In a list, we show required actions with a star (*).

Most other points we make in the guidebook are best practice suggestions. These are not requirements. We note the important contribution of these practices to program quality by using the term “should.”

Finally, many of the points in the guidebook offer:

- (1) Policies and procedures some centers have found useful.
- (2) Alternative ways to meet a requirement.

Since these suggestions are optional, we use words like “might,” “could,” “might consider,” or “may want to.” Sometimes the guidebook uses a round bullet (•) in lists to show items that are suggested rather than required. Sometimes we set off suggestions from the main text in their own “suggestion box.” Suggestions can be found by the symbol indicated below.



Parent means the child’s primary custodian away from the center. A “parent” may be single, married, unmarried, male, female, stepparent, grandparent, foster parent, or guardian.

Initial License

RCW 74.15.120 permits DSHS to issue an “Initial,” or temporary license to a center allowing reasonable time for the center to obtain full licensure. The issuance of an initial license most often occurs during a new center’s start up period. Some existing centers having trouble meeting minimum licensing requirements may also receive an “initial license.” The department issues initial licenses for periods up to six months and can renew this type of license. The total “initial” period cannot exceed two years.

Record; Documentation; In Writing

In some places, WAC requires the provider to record certain events. In others, it requires “documentation” of events. In still other places, it requires certain information be “in writing.”

These all mean essentially the same thing. Required proof of program policies, procedures, and practices must be in writing. The licensee must keep this proof on file in the center. The appropriate party (director, parent, staff person) should sign and date documents verifying a certain action has taken place.

For your own protection, it is wise to keep dated notes on all significant events affecting your business. These notes may be phone conversations with your licensor or conferences with a staff member or concerned parent.

The licensor and provider may agree on alternative record keeping methods. For example, the provider may want to keep records in a language other than English.

Resource and Referral

One of the sources of information for providers we frequently mention in the guidebook is Resource and Referral. You might know it to as “R & R.” Your local child care Resource and Referral is part of a network of agencies providing services for most of the state. It is a community-based support service for parents and providers. (See the Resource section of this guidebook for the address and phone number of your local child care Resource and Referral agency.) Services these agencies provide vary, but among the standard services, they:

- Maintain a data bank of licensed child care providers in the community, based on information licensors and providers give them.
- Provide parents with information about licensed child care available in their area.
- Provide training for child care providers and parents.
- Maintain a resource library of local training opportunities, persons, and agencies offering various child services.
- Identify areas where there is a greater need for more child care of certain types.
- Work with DCCEL to increase the number of licensed providers.
- Provide support services for employer-based child care.
- Distribute newsletters, provide meeting space, and maintain a lending library for providers.
- Develop substitute teacher lists for providers.

Revised Code of Washington (RCW)

RCW means the laws (statutes) passed by the Washington State Legislature. In cases where you need RCW information to interpret the meaning of a licensing requirement, the guidebook provides this information.

School-Age Child

Care for the school-age child is usually before and after school care, except during summer or school closure periods. The new regulations define a school-age child as “a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.” Whether a child is “preschool” or “school-age” depends on a combination of school enrollment and age. Children may be five years of age and considered preschoolers because:

- Their parents decided to delay kindergarten entry.
- The preschool includes kindergarten in its program.
- They are developmentally delayed or fit better in a group of younger children.

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A four-year-old child gaining early entry into kindergarten is defined as a preschool child until turning five.

Children 13 years of age and older can receive care in a center only by waiver. DCCEL will consider these waiver requests on a case-by-case basis. DCCEL will base its decision on the child's developmental needs and the center's program structure.

Waiver (Also referred to as Exception)

A waiver is written DCCEL authorization for a provider to satisfy a licensing requirement by means other than WAC specifies. For DCCEL to grant a waiver, the proposed alternative must be consistent with the spirit of the WAC requirement.

The provider begins the waiver process by sending a written request for a waiver to the licensor. In the request, you should explain:

- What WAC requirement you are requesting to be waived
- What you propose to do that is different from the licensing requirement.
- Why the alternative method is necessary or desirable.
- How your proposed method is safe and developmentally appropriate.
- How the alternate method satisfies the intent of the licensing requirement.

Your licensor reviews the waiver request and submits it to a supervisor for approval or denial. The center must keep on file written documentation of all approved waivers. DCCEL grants time-limited waivers for varying periods, but for no longer than the current licensing period. DCCEL cannot waive anything a statute (RCW) requires.

In a few places, the WAC says "department-approved" alternatives to the requirement are possible [for example, WAC 388-150-320(1)]. Your licensor can approve these alternatives (sometimes in consultation with your health surveyor). You must still describe in writing the approved method of compliance, signed by the licensor, and keep it on file at the center.

DCCEL cannot waive local ordinances. Such ordinances may include zoning and land use requirements or local fire and building code restrictions. Your licensor can identify some local requirements. It is your responsibility to follow local regulations or gain the necessary conditional use variances. DCCEL also cannot waive requirements that other departments regulate.

Washington Administrative Code (WAC)

WAC means a department's administrative rules, policies, and procedures for implementing the RCW. For example, DSHS adopted Chapter 388-150 WAC (child day care center minimum licensing requirements) under the authority of Chapter 74.15 RCW.

When DCCEL writes WAC, we consult with persons involved with licensing, educators, providers, consumers, and other child care professionals. DCCEL also receives community input through public forums and hearings. WAC has the force of law.

**RCW MEANS THE LAWS
(STATUTES) PASSED BY
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**WAC MEANS A
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IMPLEMENTING THE
RCW.**

The guidebook refers to “requirements,” “standards,” and “regulations.” These terms mean the same thing. They refer to policies and practices WAC requires.

Your licensor may sometimes refer to the “MLRs.” This is short for “minimum licensing requirements.” It is another way of referring to the child care center WAC.

Chapter 2. WAC 388-150-020, 388-150-040, and 388-150-060

Who Needs a License, and Who Does the Licensing?

Do I Need a Child Care License?

In general, the answer is “Yes,” if you provide care for children unrelated to you on a regular basis outside the child’s home. Some kinds of child care do not require DSHS licensing. In most cases, exempt programs operate under their own guidelines.

Chapter 74.15.020(4) of the Revised Code of Washington (RCW) lists agencies or parties not required to obtain a DSHS license. Included in the list are:

- Relatives
- Neighbors or friends caring for children on an irregular or exchange basis.
- Half-day preschool programs of a primarily educational nature.
- Seasonal programs such as summer camps.
- Hospital sick-child programs that are part of the medical program of a hospital.
- Units of government, including public schools and facilities on Indian reservations or military installations.

See the RCW for a more detailed description of exempt programs. If DCCEL requests, the center must document its right to an exemption. If you question whether the care you offer requires a license, contact your local DCCEL office.

Certification

Agencies exempt from licensing may request that the department certify them as meeting licensing standards. A program might wish to be certified for several reasons:



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- To assure parents of program quality.
- To receive external assessment and feedback on the quality of their program.
- To be eligible to participate in a child care subsidy program or the USDA child nutrition program.

The procedures for certifying and monitoring are the same as those for licensed centers. The annual fee is also the same.

Local Ordinances and Codes

After DCCEL receives a new application, it notifies the local planning authority of its intent to license the center within 90 days. The applicant receives a copy of this letter. DCCEL expects the applicant to work with the local authority to satisfy local regulations. By working closely with local authorities, applicants are less likely to have delays while they wait for zoning variances, conditional use permits, etc.

The Building Code Council in the Department of Trade, Economic & Community Development (DCTED) writes the Uniform Building Code. However, don't misunderstand the term "uniform." Local regulations can (and often do) exceed state standards. In other words, the building code in your area may have tighter requirements than the state concerning type of construction, number of exits, fire doors, handicap access, etc.

The State Fire Marshal's Office, Washington State Patrol, develops WAC fire regulations. As with building codes, local governments can pass more restrictive fire regulations than the state. These may concern alarm and sprinkler systems, number and type of exits, etc.

Land use and zoning regulations usually appear in the form of city ordinances or county codes. Officials who oversee these rules often operate out of the same office as the local building or planning department. Local ordinances and codes may regulate such things as:

- The type of neighborhood where small businesses such as child care centers can locate.
- The amount of outdoor square footage.
- Fencing requirements.
- Placement and type of business signs.
- Number of parking spaces.



One way of locating a center in a residential area is to find property already zoned for nonresidential use. That is one reason some centers share space with churches, schools, community centers, etc.

Your licensor can help you navigate your way through the local regulations. Be aware, however, that DCCEL grants your child care license on the basis of state codes. You must still meet local ordinances and codes. You are liable to local authorities for noncompliance.

YOUR LICENSOR CAN HELP YOU NAVIGATE YOUR WAY THROUGH THE LOCAL REGULATIONS. BE AWARE, HOWEVER, THAT DSHS GRANTS YOUR CHILD CARE LICENSE ON THE BASIS OF STATE CODES. YOU MUST STILL MEET LOCAL ORDINANCES AND CODES. YOU ARE LIABLE TO LOCAL AUTHORITIES FOR NONCOMPLIANCE.

Child Care Subsidy Programs

DSHS provides child care subsidies for parents enrolled in a number of programs. You may request a copy of “Child Care Subsidies, A Booklet for Providers” from your licensor for details about state subsidized care. Also consult WAC 388-155-020(8)(a)(b)(c) for details.

Dual Licenses

DCCEL can license a provider for two different types of care. You may want to provide multiple types of care in the same facility. However, you must apply for and obtain a waiver and separate licenses.

To get licenses for multiple purposes, the provider must demonstrate that the different types of care do not interfere with one another. That includes ensuring capacity, group size, staff-child ratio, and program requirements remain in effect for all persons in care.

Chapter 3. WAC 388-150-070 and 388-150-080

Application and Reapplication for a License

“Do I Really Want to Do This?”

Starting a child care business is a serious undertaking. It is not a step you can take lightly. Among the things you should consider before proceeding are:

Assets. Are you able to meet setup costs and survive little or no profit for at least six months and maybe years? Are you eligible for a loan? Do you want to rent, lease, buy, or build?

Experience. How much do you know about child care and developmentally appropriate practices? How much experience do you have running a business?

Determination. Are you willing to work long hours? Are you able to accept responsibility and meet deadlines? Are you willing to provide leadership and exercise authority?

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Personality. Are you good with people? Do you like children? Are you able to accept responsibility and meet deadlines? Are you physically and emotionally healthy? Do you handle stress well?

Each year, fifty percent of small businesses fail. In some cases, new centers fail due to a poor understanding of start up costs and annual operating expenses. To help you succeed, here are a few things to keep in mind. We offer this list, not to discourage you from entering the field of child care, but to help you make a better decision. For additional free advice, contact your local Business Assistance Center (see Resource section).



Setup Costs

Setup costs are more than buying equipment, furnishings, and supplies. You will likely have to start making monthly payments on the property before you open for business. You may have to make first and last month payments plus a damage deposit. Some business accounts also will require a deposit.

You will need to hire some staff or other workers before the center opens. Keep in mind, also, that the time you spend getting the center ready to open may interfere with other employment.

Renovations can be a major expense. Parts of the facility may not satisfy licensing requirements or may not provide the kind of environment you want for children. The licensing process can also delay your opening date, increasing your start up expenses.

Finally, if getting started included a “start up” loan, your monthly budget must meet interest payments on the loan. Also, sooner or later you’re going to have to reduce the principal.

Projection of Income from Tuitions

Rarely do centers reach capacity their first year. It is not uncommon for a center to take two to three years to exceed operating expenses. By that time, a quality program establishes a word-of-mouth reputation in the community. In the meantime, you will likely have a period where you are not fully using your space. You may also have too many employees for the number of children you serve.

Even when you are at full enrollment you cannot simply multiply your monthly tuition by your capacity times twelve months. You might have:

- Temporary vacancies.
- Discounts for families with more than one child in your center.
- Children whose subsidized care is different from your normal tuition.

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- Some families unable to pay tuition in a timely manner.
- A tuition reduction for months when families are on vacation.
- A drop in enrollment during the summer.

A good rule of thumb is to estimate tuition income at no more than 85 percent of capacity.



In setting up your first year operating budget, a good question to ask yourself is:

“If the center only operates at 50 percent enrollment for the first six months, do I have enough capital to meet expenses?”

If not, you may want to rethink the size of your first-year program or consider going to a lender for a business start up loan. Waiting until you’re short of money before you start looking for more is not good business.

Staff Costs

You pay more for staff than the sum of their salaries. For example, you need to consider:

- The cost of fringe benefits such as health insurance.
- Paid employee absences for vacation, sick leave, or “professional days.”
- You will probably have to hire substitutes to maintain staff-child ratios.
- Taxes. First-time employers may not be familiar with unemployment insurance or worker’s compensation rates, but they soon find out. Don’t overlook that FICA deposits for social security are twice the amount they withhold from employees’ paychecks.

Employers deposit most taxes on a quarterly rather than a monthly basis. This might mislead the unwary employer about how much money they have in the bank after depositing their June tuitions.

A rule of thumb for employee expenses, not counting substitute costs, is to add 15 percent to base salaries. Enlisting the aid of an accountant to help set up your record keeping system may save you time and money. You may also wish to consult with or retain a lawyer for legal advice.

Operating Costs

Consider the normal “life expectancy” of appliances, equipment, carpets, etc. Figure that at some point the roof will leak, the furnace will need repair, the building will need paint, the water pipes will burst, etc. Don’t think that once something is bought it lasts forever.

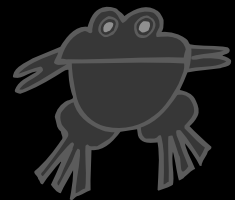
You may need to lease a dumpster, or at least pay a commercial garbage hauling fee. Don't forget to plan for minor expenses like garbage removal.

Check the utility costs for the building the preceding year, especially during the winter months. Don't make the mistake of estimating utility bills from summer months.

Liability insurance for child care can be expensive. It may "sneak up" on you because it's not a monthly expense. It pays to shop around for the best price, or get your insurance through a child care organization's cooperative plan. Having adequate insurance coverage is essential.

Check with providers in your area to get a sense of what they budget for maintenance, utilities, insurance, supplies, equipment, and food.

**DON'T FORGET TO
PLAN FOR MINOR
EXPENSES**



Doing Your Homework

It pays to check which areas in your community need extra child care, the types of care most needed, and the rates families pay in your area. Try to discover how many existing centers are in your area and whether they operate at full capacity. Good sources for this information are other providers in your area and Resource and Referral. Your local planning office can also give you a sense of where families with young children are located, income levels, and principle employers. You might contact major employers, local schools, and churches in your area about what kinds of care are needed in the community.

Having gathered this information, you are in a better position to decide:

- The general area in which you would like to locate.
- If there is a need for a center in your chosen area.
- How many children and what ages you want to serve.
- What hours you should plan on being open.



An established program will attract customers through its reputation. A newly opening center, however, is more likely to succeed the closer it is to:

- *Where people live.*
- *Where people work.*
- *The route people travel from home to work.*

Selecting a Site

In evaluating a possible site, there are many factors to consider. For example:

- Is the site safe? Are fire, police, and health services accessible?
- Is the area zoned for child care? If not, is a conditional use permit likely?
- If you plan to lease the facility, is the owner willing to allow necessary renovations? Who will pay for them? Is the lease renewable?
- Is the rent or monthly payment affordable? What utilities and services will you have to pay? What were the utility bills last year? Who will be responsible for maintenance and repairs?
- Does the building have the inside spaces to offer the kind of program you want? Does it have adequate kitchen facilities, toilets, and sinks?
- Do the spaces intended for child care meet building, health, fire, and child care regulations? If not, what would be required to bring them up to code?
- Is sufficient outside play space available? Is it fenced?
- If you are planning to share the space, what restrictions will affect your use of the space? How much equipment must you regularly put away? How often?

Unfavorable answers to the above items can raise the difficulty of getting licensed. They can also increase the time or cost of start up, perhaps to the point you will want to keep looking.

When you think you have a suitable site (and before you sign a lease or closing papers!) Contact someone involved with licensing. They can help you decide whether the site can meet licensing requirements or what structural changes might be necessary.

Possibilities:

- The orientation sessions for new providers are an excellent place to raise questions and concerns. Attendance at orientation is part of the licensing process.
- Consult with other providers in your area. They have learned from experience the answers to many of the questions you might have.
- If you have specific questions, a licensor, health surveyor, local fire official or deputy fire marshal can give you advice over the phone.

Profit or Non-profit?

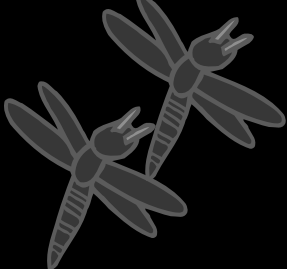
Providers often joke that all centers are non-profit, whether they like it or not. However, when a center files to become officially a non-profit corporation, it must reinvest all money left after paying business expenses.

Unless a center obtains non-profit status, it is considered a for profit business.

Advantages of non-profit status:

- Eligible to apply for federal and state tax-exempt status. After both are granted, you don't have to pay state sales tax.
- Eligible for grants or loans from a wider range of organizations.

**UNLESS A CENTER
OBTAINS NON-PROFIT
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- Eligible for USDA food program (if granted tax-exempt status).
- Organizations and individuals are more likely to donate to a non-profit organization since their contributions are tax-deductible.

Disadvantages of non-profit status:

- Requires incorporation.
- You have less control of your center, since many decisions and policies must go through a board of directors.
- A certain amount of paperwork is required to take advantage of the tax-exempt status.
- You don't personally "own" the business you started. You don't own its materials either, unless you purchase the materials privately and lease them to the corporation. In other words, you can resign from the corporation, but you cannot sell the business.

For more information, contact a lawyer, an accountant, non-profit providers, the Small Business Administration, the Internal Revenue Service, or the state Department of Corporations. (See Resource section for addresses and phone numbers.)

Time Line for Opening Your Center

You need to plan. There are many steps involved in opening a child care center. It is wise to begin planning nine to twelve months ahead of your proposed opening date. Fortunately, there are places to contact for information regarding local, state, and federal requirements you must meet.

Every center is different. The following only roughly describes the process you face in starting your center. Some steps take longer than expected. Some may not pertain to your center.

Sources of Information About Starting a Center

The following offices offer valuable information to all small businesses, including child care centers (see Resource section for contact information):

Federal

- Internal Revenue Service (IRS).
- Small Business Administration (SBA).

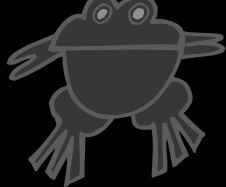
State

- DSHS, Division of Child Care and Early Learning.
- Department of Licensing.
- Washington Business Assistance Center.

Local

- City or county planning department.
- Resource and Referral.
- Provider associations.
- Colleges and institutes

THE LICENSORS IN
EACH REGION OF
THE STATE OFFER
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SESSIONS FOR NEW
AND CURRENT
PROVIDERS.



9-12 Months Prior to Opening

- Contact agencies for answers to questions about starting a business, local child care regulations, local child care needs, etc. Explain what you are thinking of doing. Most information is free.
- Visit other licensed centers in your area for ideas and to help you get a realistic sense of what child care involves.
- Consider consulting with an attorney or certified public accountant who is familiar with establishing small businesses. This contact can start you in the right direction and save you money.

6-9 Months Prior to Opening

- Attend DCCCL licensing orientation. You will get a lot of useful information to help you decide whether to proceed. Come ready to ask questions. Decide whether opening a center is something you want to pursue further.

Orientation

Licensors in each region offer orientation for new and current providers. DCCCL requires you to attend orientation. This will give you important information to guide you through the licensing process.

- Decide whether your center will be a sole proprietorship, partnership, for-profit corporation, or a non-profit corporation.
- Decide what age groups you want to serve.
- Look for a site in a suitable locale that meets local and state licensing requirements. Consider what remodeling or building you might need to do.
- Start to develop a budget. Look at both start up costs and operating costs. Consider whether you need to look for outside funding.

3-6 Months Prior to Opening

- Get information and forms for all federal, state, and local taxes and licenses. Fill them out and file them with the appropriate agencies.

Federal. You can request a “Business Tax Kit” from your local IRS office. This kit gives you all the information and forms you need so you can arrange for the following:

- Employer Identification Number.
- Federal income tax withholding and estimated tax deposits.
- Social Security tax (FICA).
- Federal Unemployment tax (FUTA).

State. The state provides one-step business registration. Contact the Department of Licensing to receive a Master Business License kit. This kit gives you all the information and forms you need so you can arrange for the following:

- State tax registration number.
- Unemployment Insurance tax (regulated by the Employment Security Department).

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- Industrial Insurance (regulated by the Department of Labor and Industries).

Local. Local business requirements vary across the state. You may need a city business license. Inquire at your City Clerk's Office. You may need special building, zoning, or occupancy permits. Inquire at your local planning department.

Other

- Begin renovations, if necessary.
- Complete as much of your child care licensing application as possible, including attachments.
- Begin to order materials and equipment.
- Advertise in your community that your center will soon be opening.

Advertising Your Center

People will only use your center if they find out about it. Get out information about your program where parents of children are likely to see it:

- Your local newspaper.
- The Yellow Pages. You'll have to wait for the next printing for your center's name to appear, however.
- Pediatricians' and dentists' offices.
- Libraries, community centers, fitness clubs, laundromats, and grocery stores.
- Local schools and churches.
- Children's clothing, toy, and book stores.
- Personnel offices of major employers in your community.
- Let other centers know you are opening. They may refer parents to you if they are full or do not serve the age group of a particular child.
- Tell your friends and neighbors to spread the word!

Once you're licensed and open, your local Resource and Referral can refer clients to you. Over time, word of mouth and a reputation for quality care will be your best advertisement.



3 Months Prior to Opening

- Submit your child care license application to DCCCL. You must submit the application **at least** 90 days before you hope to open your center. The 90 days start when DCCCL receives your check for the first year's licensing fee. DCCCL figures the amount you owe based on what you anticipate your center's licensed capacity will be. As of 1992, the licensing fee is four dollars (\$4) per child per year.

Some required information in your application may be incomplete at the time of application. For example, maybe you don't yet know who all of your staff will be, or perhaps you haven't finished writing the parent information guide attachment.

- Begin advertising for staff and interviewing applicants.
- Representatives from the State Fire Marshal's Office or local fire officials and Department of Health will contact you to arrange a time to inspect your facility.



You should not submit your application too far in advance. If your facility is not ready, the persons involved with licensing cannot inspect and give you approval within the 90 day time limit. Staff credential and background checks are also part of the approval process. Therefore, you want to make major staffing decisions before the end of the 90 day period. Licensors must verify you have enough furniture, materials, mats, utensils, etc., for the number and ages of children you will serve.

- DCCEL licensors will contact a minimum of three references. References should be persons who are qualified to respond to questions about your ability to run a developmentally appropriate child care program. You need only supply names, addresses (including zip codes), and phone numbers. Licensors will also review any written references you give them, but you do not have to supply these.

0-2 Months Prior to Opening

- Open accounts for utilities.
- Submit staff credentials and criminal history and background inquiry forms to your licensor.
- Double-check with your licensor and local planning authority to make sure you have tended to all necessary details.
- Correct deficiencies and furnish statements that corrections are complete.
- Do staff orientation.
- Enroll children.



Keep in mind that many applicants want to be newly licensed between July and early September. These months are the busiest for persons involved with licensing, so the full 90 days may be

TWENTY QUESTIONS

necessary to process your application. Calling on August 10th and hoping to open the beginning of September is not realistic.

The licensing process is a step-by-step procedure. Be patient. Give yourself plenty of time. Don't lose heart!

Reapplication for License

DCCEL relicenses centers every three years. You must submit the renewal application at least 90 days before the current three-year license expires. License renewal involves many of the same steps as a new application, including health and fire safety inspections. You must re-submit criminal history and background inquiry forms on all staff and volunteers. You must also resubmit requests for any waivers granted during the prior licensing period. DCCEL will review the request and make a prompt decision.

Some changes to your program are major enough that they require a new application for license. You should submit the new application at least 90 days before the changes go into effect, if possible. Examples of changes in this category are:

- * The center is moving to a new location.
- * The person or organization holding the license to operate the center is leaving or selling. This includes change of ownership if the owner is the licensee.

In other words, a license is not transferrable to another person, organization, or location.

Licensed Capacity

DCCEL determines the maximum number of children that you may care for at any



one time. The decision considers input from various agencies involved with licensing:

- Health surveyors and local building inspectors decide the center's maximum occupancy, based on usable square footage, number of toilets, and handwashing sinks, etc.
- The Fire Marshal's Office may further restrict maximum occupancy. For example, they will not allow a center to have more than 49 children without an automated fire alarm system. They will also require you to install panic hard-

ware (push bars) on doors leading to the outside.

These requirements can also pertain to any facility large enough to serve fifty or more children, regardless of licensed capacity.

- DCCEL then determines the maximum number of children who can be present, considering the program you intend to run. DCCEL bases its decision on such things as the:
 - (1) Ages and characteristics of the children;
 - (2) Experience of the staff;
 - (3) Limits to group size in any one area, no matter how much usable floor space there is; and
 - (4) Areas set aside for non-child care purposes (office space, staff lounge, storage area, bathroom, hallway).

The licensor or the provider may decide to have the license valid for fewer children than the maximum number possible. For example, you may plan to enroll only 20 children the first year and wish to avoid paying a licensing fee for a capacity of 36.

Placement of a child in an infant, toddler, or preschooler group does not occur strictly by age. Some 10 month old children are independent and mobile enough to receive better care in a toddler than an infant program. Some children older than two and a half years may not yet be ready for the hubbub of a preschool room.

The decision to advance a child before they reach a certain age or keep a child with a younger group must be a joint provider — parent agreement. These placements do not affect the group size or staff:child ratio requirements for the group in question. Your licensor will contest any placement not in the child's best interest.

“Capacity” refers to how many children are present at any given time on any given day. You might enroll more children than your licensed capacity if, for example:

- Some children do not attend on the same days or at the same time of day.
- You expect a certain number of absences on any given day.

You are responsible, however, for regulating the flow of attendance so you remain within your licensed capacity at all times.

Keep in mind that DCCEL, the Department of Health, and the State Fire Marshal's office determine capacity based on state regulations. Local regulations can further restrict a center's capacity (for example, if more outdoor square footage or parking spaces are necessary). These restrictions will not affect the DCCEL-determined capacity, but local authorities can still prosecute or fine centers failing to meet local laws. This is another reason to develop good lines of communication with your local

**DCCEL IS
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LICENSED CARE.**



building, zoning, and land use office. Your licensor will also be familiar with some local regulations.

Chapter 4. WAC 388-150-090

Not everyone applying for a child care license receives one. At the same time, DCCEL is committed to increasing quality, affordable, licensed care.

The inspections by persons involved in licensing will help you meet minimum child care requirements. Consult with your licensor for technical assistance. They can help you with problem solving and suggest community resources to aid you in meeting requirements. Your licensor's goal is to help you maintain and improve the quality of care at your center.

DCCEL cannot suspend or revoke your license without due process. Except in extreme cases affecting the health or safety of children, DCCEL gives the licensee suggestions or instruction on correcting deficiencies. If the licensee cannot or will not comply with licensing standards, DCCEL shall take legal action.

Reasons for Denying, Suspending, or Revoking a License

There are some incidents serious enough that DCCEL considers a single occurrence as grounds for termination or denial of a license. Use of the word "shall" in WAC 388-150-090(2) indicates these grounds. There are other situations which may or may not be cause for suspending or revoking a license. In these cases, the licensor can take the circumstances into account. See WAC 388-150-090 (3) for examples of where we use "may." In these cases, the licensor will decide whether the incident is serious enough to warrant suspension or revocation proceedings. In some cases, the provider may resolve the situation by taking steps to see the condition does not happen again. Repeated problems in the same areas are not acceptable.

Please read these two lists carefully. Also, Chapter 35, "Personnel Policies and Records," describes the criminal history and background inquiry process. That chapter also lists the specific criminal offenses which disqualify a person from being licensed or working in a licensed center.

RCW Dealing with License Denial, Suspension, or Revocation

WAC 388-150-090 refers to two sections of the Revised Code of Washington (RCW):

- (1) Chapter 43.20A RCW describes the rules and procedures governing DSHS; and
- (2) Chapter 74.15 RCW describes the rules and procedures governing state agencies responsible for children (including DSHS).

DCCEL includes copies of these RCWs with your licensing application materials.

Most of the details about center licensing, such as application, renewal, and suspension procedures, appear in the WAC. The RCW provides more detail about how DCCEL responds if a center cannot or will not comply with licensing requirements.

According to Chapters 43.20A and 34.05 RCW:

- The department notifies the licensee in writing of its decision to suspend, revoke, or deny a license. Notification is by certified mail, states the reasons for the action, and gives details on how to appeal to the Office of Hearings.
- The licensee has 28 days after receiving notification to request a hearing.
- The licensee must make the request in writing, and state the grounds for contesting DCCEL's decision. The licensee must send the request by certified mail.
- Except for summary suspensions or revocations, the center may usually remain open for business during the appeal process.
- When the Office of Hearings receives a request for a hearing, it sets a hearing date. If the Office of Hearings does not receive a written request, the action takes effect.
- At the hearing, a lawyer from the state Attorney General's Office generally accompanies the licensor. The licensee may also have a lawyer present.
- Following a hearing, the Administrative Law Judge normally issues a decision within 30 days.

In some cases, if the licensee meets the licensing requirement before the deadline for requesting a hearing, the parties may suspend the hearing. RCW 43.20A.205 adds that DSHS may act immediately if there is immediate danger to the well-being of children if the provider continues service. In these extreme cases, DCCEL can resort to "summary revocation" or "summary suspension" of the center's license. Then the licensee must stop care immediately. A licensor will not take this step without first consulting with the state Attorney General's Office. The licensee may appeal licensing decisions by contacting the Office of Hearings.